



DPW

Practitioner's Docket No. 2003-IP-011430U1**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of \_\_\_\_\_ Inventor(s)  
for \_\_\_\_\_ Title of invention**OR**

In re application of: Craig W. Roddy, et al

Application No.: 010 / 769,490

Group Art Unit:

Filed: 01/30/2004

Examiner:

For: Methods of Cementing in Subterranean Formations Using Crack Resistant  
Cement Compositions**Mail Stop Amendment****Commissioner for Patents**

P.O. Box 1450

Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))****CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\****(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING** deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**37 C.F.R. § 1.10 \*** with sufficient postage as first class mail.  as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)**TRANSMISSION** facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_Sheila Gibbs

Signature

Sheila Gibbs

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**NOTE: 37 C.F.R. 1.98(b):**

- (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.
- (2) Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.
- (3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.
- (4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.
- (5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.

**WARNING:** No extension of time can be had under 37 C.F.R. § 1.136 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).

**NOTE:** The "filling date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual Inventor or Inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

## **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

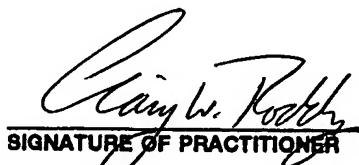
**NOTE:** "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39). See also § 609, M.P.E.P., 8th Edition.

**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.



SIGNATURE OF PRACTITIONER

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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [8-3]—page 3 of 3)



PATENT 2003-IP-011430U1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Craig W. Roddy, et al )  
Serial No.: 10/769,490 ) Art Unit: Unknown  
Filed: 01/30/2004 ) Examiner: Unknown  
For: Methods of Cementing in )  
Subterranean Formations )  
Using Crack Resistant )  
Cement Compositions )

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

COMMISSIONER FOR PATENTS  
Alexandria, VA 22313-1450

SIR:

The following documents are known to Applicants or Applicants' attorneys and are submitted for the Examiner to consider in the above-captioned application.

**U. S. PATENTS**

U.S. Patent Number 4,817,721 issued 04/04/89 to Kenneth W. Pober;

U.S. Patent Number 5,142,023 issued 08/25/92 to Patrick R. Gruber, et al;

U.S. Patent Number 5,247,059 issued 09/21/93 to Patrick R. Gruber, et al;

U.S. Patent Number 5,359,026 issued 10/25/94 to Patrick R. Gruber;

U.S. Patent Number 5,475,080 issued 12/12/95 to Patrick R. Gruber, et al;

U.S. Patent Number 5,484,881 issued 01/16/96 to Patrick R. Gruber, et al;

U.S. Patent Number 5,536,807 issued 07/16/96 to Patrick R. Gruber, et al;

U.S. Patent Number 5,594,095 issued 01/14/97 to Patrick R. Gruber, et al;

U.S. Patent Number 5,849,401 issued 12/15/98 to Ali Zakareya El-Afandi, et al

U.S. Patent Number 6,326,458 B1 issued 12/04/01 to Patrick Richard Gruber, et  
al;

U.S. Patent Number 6,763,888 B1 issued 07/20/04 to Ralph Edmund Harris, et  
al;

U.S. Patent Application Publication Number 2004/0261993 A1 published  
12/30/04 by Philip D. Nguyen (S/N 10/608,319, Ref. No. 2003-IP-010077U1,  
filed 06/27/03);

U.S. Patent Application Publication Number 2004/0261995 A1 published  
12/30/04 by Philip D. Nguyen, et al (S/N 10/608,291, Ref. No. 2002-IP-  
009210U1, filed 06/27/03);

U.S. Patent Application Publication Number 2004/0261996 A1 published  
12/30/04 by Trinidad Munoz, Jr., et al (S/N 10/609,031, Ref. No. 2002-IP-  
009052U1, filed 06/27/03);

U.S. Patent Application Publication Number 2004/0261999 A1 published  
12/30/04 by Philip D. Nguyen (S/N 10/608,373, Ref. No. 2003-IP-010077U2,  
filed 06/27/03);

U.S. Patent Application Publication Number 2005/0028976 A1 published  
02/10/05 by Philip D. Nguyen (S/N 10/634,705, Ref. No. 2003-IP-010039U1,

filed 08/05/03);

U.S. Patent Application Publication Number 2005/0034861 A1 published

02/17/05 by Rajesh K. Saini, et al (S/N 10/736,339, Ref. No. 2001-IP-

005484U1P1, filed 12/15/03);

U.S. Patent Application Publication Number 2005/0034865 A1 published

02/17/05 by Bradley L. Todd, et al (S/N 10/641,242, Ref. No. 2001-IP-005484U1,

filed 08/14/03);

U.S. Patent Application Publication Number 2005/0034868 A1 published

02/17/05 by Keith A. Frost, et al (S/N 10/752,752, Ref. No. 2003-IP-

011261U1P1, filed 01/07/04);

U.S. Patent Application Serial No. 10/650,101, *Compositions and Methods for*

*Reducing the Viscosity of a Fluid*, filed 08/26/03 by Bradley L. Todd, et al (Ref.

No. 2001-IP-005443U2);

U.S. Patent Application Serial No. 10/655,883, *Methods for Forming a*

*Permeable and Stable Mass in a Subterranean Formation*, filed 09/05/03 by

Philip D. Nguyen (Ref. No. 2003-IP-010580U1);

U.S. Patent Application Serial No. 10/661,173, *Methods of Removing Filter Cake*

*from Well Producing Zones*, filed 09/11/03 by Bradley L. Todd, et al (Ref. No.

2001-IP-005451U1);

U.S. Patent Application Serial No. 10/664,126, *Improved Subterranean*

*Treatment Fluids and Methods of Treating Subterranean Formations*, filed

09/17/03 by Bradley L. Todd, et al (Ref. No. 2003-IP-010228U1); U.S. Patent Application Serial No. 10/736,152, *Filter Cake Degradation Compositions and Methods of Use in Subterranean Operations*, filed 12/15/03 by Bradley L. Todd (Ref. No. 2002-IP-006658U1); U.S. Patent Application Serial No. 10/765,334, *Fluid Loss Control Additives for Use in Fracturing Subterranean Formations*, filed 01/27/04 by Bradley L. Todd, et al (Ref. No. 2003-IP-010496U1); U.S. Patent Application Serial No. 10/768,323, *Compositions and Methods for the Delivery of Chemical Components in Subterranean Well Bores*, filed 01/30/04 by Craig Wayne Roddy, et al (Ref. No. 2003-IP-012181U1); and U.S. Patent Application Serial No. 10/768,864, *Contained Micro-Particles for Use in Well Bore Operations*, filed 01/30/04 by Craig Wayne Roddy, et al (Ref. No. 2003-IP-012180U1).

#### **FOREIGN PATENTS**

Int'l Publication Number WO 93/15127 published 08/05/93 by Patrick R. Gruber, et al;

Int'l Publication Number WO 94/07949 published 04/14/94 by Patrick Richard Gruber, et al;

Int'l Publication Number WO 94/08078 published 04/14/94 by Patrick Richard Gruber, et al;

Int'l Publication Number WO 94/08090 published 04/14/94 by Patrick Richard

Gruber, et al;

Int'l Publication Number WO 95/09879 published 04/13/95 by Patrick Richard  
Gruber, et al

Int'l Publication Number WO 97/11845 published 04/03/97 by Ali Zakareya El-  
Afandi, et al; and

European Patent Number 0 879 935 A3 published 02/10/99 by Jim D. Weaver,  
et al.

**PAPERS/OTHER**

None.

**BROCHURES**

None.

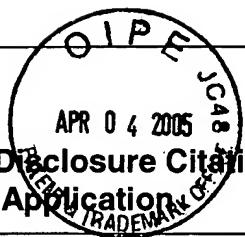
Copies of the aforementioned non-patent references and Form PTO-1449 are  
submitted herewith.

Respectfully submitted,



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PTO-1449


**Information Disclosure Citation in an Application**
Application No.  
**10/769,490**Docket Number  
**2003-IP-011430U1****Craig W. Roddy, et al**

Group Art Unit

Filing Date  
**01/30/2004****U.S. PATENT DOCUMENTS**

	<b>DOCUMENT NO.</b>	<b>ISSUE/PUB. DATE</b>	<b>NAME</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>FILING DATE</b>
	4,817,721	04/04/89	Pober	166	295	12/14/87
	5,142,023	08/25/92	Gruber, et al	528	354	01/24/92
	5,247,059	09/21/93	Gruber, et al	528	354	08/24/92
	5,359,026	10/25/94	Gruber	528	354	07/30/93
	5,475,080	12/12/95	Gruber, et al	528	354	03/22/93
	5,484,881	01/16/96	Gruber, et al	528	354	08/23/93
	5,536,807	07/16/96	Gruber, et al	528	354	08/23/93
	5,594,095	01/14/97	Gruber, et al	528	354	07/27/94
	5,849,401	12/15/98	EI-Afandi, et al	428	215	05/03/96
	6,326,458 B1	12/04/01	Gruber, et al	528	354	10/07/93
	6,763,888 B1	07/20/04	Harris, et al	166	305.1	03/20/00
	US 2004/0261993A1 (US Pat. App. Ser. No. 10/608,319)	12/30/04	Nguyen (Ref. No. 2003-IP-010077U1)	166	276	06/27/03
	US 2004/0261995A1 (US Pat. App. Ser. No. 10/608,291)	12/30/04	Nguyen, et al (Ref. No. 2002-IP-009210U1)	166	279	06/27/03
	US 2004/0261996A1 (US Pat. App. Ser. No. 10/609,031)	12/30/04	Munoz, Jr., et al (Ref. No. 2002-IP-009052U1)	166	279	06/27/03
	US 2004/0261999A1 (US Pat. App. Ser. No. 10/608,373)	12/30/04	Nguyen (Ref. No. 2003-IP-010077U2)	166	292	06/27/03
	US 2005/0028976A1 (US Pat. App. Ser. No. 10/634,705)	02/10/05	Nguyen (Ref. No. 2003-IP-010039U1)	166	276	08/05/03
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>		

**EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

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